

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



May 6, 2003

**Agenda ID #2173**

TO: PARTIES OF RECORD IN APPLICATION 00-11-057

This is the draft decision of Administrative Law Judge Walker. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ Angela K. Minkin  
Angela K. Minkin, Chief  
Administrative Law Judge

ANG: avs

Decision DRAFT DECISION OF ALJ WALKER (Mailed 5/6/2003)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Arch Wireless, Inc. and Paging Network, Inc. for Approval to Transfer Control of Paging Network, Inc. and Its California Operating Subsidiary, Paging Network of America, Inc., to Arch Wireless, Inc.

Application 00-11-057  
(Filed November 15, 2000)

**ORDER DISMISSING APPLICATION**

By application dated November 15, 2000, Paging Network of America, Inc. (PageNet) sought authority for merger into Arch Wireless, Inc., a merger that subsequently was approved in Bankruptcy Court in the District of Delaware. Both PageNet and Arch Wireless operate as paging carriers under licenses granted by the Federal Communications Commission (FCC). However, PageNet at one time also had authority in California to offer interexchange services in conjunction with its paging service. Commission records show that PageNet's certificates of public convenience and necessity (CPCNs) for interexchange services have long since been revoked.<sup>1</sup> By letter dated April 14, 2003, counsel for Arch Wireless confirms that neither Arch Wireless nor any of its subsidiaries (including PageNet) offers reseller interexchange telephone services in California. Accordingly, he states that the authorization sought in Application (A.) 00-11-057 is moot and that the application may be dismissed.

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<sup>1</sup> CPCNs for Paging Network of Los Angeles (U-2083-C and U-5758-C) and for Paging Network of San Francisco (U-2044-C) were revoked in Resolutions 15954 and 16634.

**Comments on Draft Decision**

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(d) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_.

**Assignment of Proceeding**

Susan P. Kennedy is the Assigned Commissioner and Glen Walker is the assigned Administrative Law Judge for this proceeding.

**Findings of Fact**

1. PageNet and Arch Wireless offer FCC-approved paging services.
2. The merger of PageNet into Arch Wireless has been approved by the Bankruptcy Court for the District of Delaware.
3. The authority of PageNet to offer interexchange telephone services in California has been revoked.

**Conclusion of Law**

In response to a written request on behalf of the parties, A.00-11-057 should be dismissed.

**O R D E R**

**IT IS ORDERED** that:

1. Application 00-11-057 is dismissed.

2. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.